

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:08-cv-493-W**

DAVID T. MALBROUGH,

Plaintiff,

vs.

**CONTINENTAL TIRE NORTH
AMERICA, INC.,**

Defendant.

ORDER

THIS MATTER is before the Court upon Plaintiff's motion for voluntary dismissal without prejudice. (Doc. No. 19) Plaintiff's motion under Federal Rule of Civil Procedure Rule 41(a)(2) for dismissal without prejudice should not be denied absent substantial prejudice to Defendant. Andes v. Versant Corp., 788 F.2d 1033, 1036 (4th Cir. 1986). Defendant has communicated telephonically to the Court that Defendant has no objection to Plaintiff's motion. Accordingly, Plaintiff's motion for voluntary dismissal without prejudice is hereby GRANTED.¹

IT IS SO ORDERED.

Signed: October 19, 2009



Frank D. Whitney
United States District Judge



¹Plaintiff, being *pro se*, should take note of applicable statute of limitations and other timing constraints that may factor into his ability to reassert his claim in the future.